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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,397	03/18/2004	Bjarne Frederiksen	00831P0068US	5529
32116	7590	10/04/2005	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,397

Applicant(s)

FREDERIKSEN, BJARNE

Examiner

Daniel Previl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/18/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

Claims 1-28 are presented for examination.

### ***Claim Objections***

1. Claims 9, 21, 25, are objected to because of the following informalities: the phrase "capable of" in claim 9 and the phrase "can be " in claims 21, 25 are not a positive limitation but only require the ability to so perform. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden et al. (US 6,700,488) in view of McDaid (US 6,177,869).

Regarding claims 1, 22, Leyden discloses a portable article (abstract); a first support (base 14) (fig. 1); at least one connecting element for maintaining the portable article in a secured state relative to the first support (fig. 1-6; col. 5, lines 27-67); the at least one connecting element comprising at least one arm that overlies a portion of the portable article (col. 6, lines 1-17).

Leyden discloses all the limitations above but fails to specify at least a portion of the at least one connecting element at least one of : is made from a hardened metal material, has a stepped configuration, and has a shaped non-flat surface so as to be resistant to bending in a manner to allow the portable article to be released from the secured state.

However, McDaid discloses at least a portion of the at least one connecting element at least one of : is made from a hardened metal material (rail 28) (col. 2, line 66); has a stepped configuration (fig. 1-fig. 6), and has a shaped non-flat surface so as to be resistant to bending in a manner to allow the portable article to be released from the secured state (fig. 2; col. 2, lines 66-67; col. 3, lines 1-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McDaid in Leyden. Doing so would modify Leyden's system with McDaid's rail 28 in order to prevent the cutting of the material thereby securing accurately the portable device against theft as taught by McDaid (col. 1, lines 7-25).

Regarding claim 2, Leyden discloses the portable article in the secured state the portable article is captive between a part of the at least one connecting element and the first support (fig. 2; fig. 11).

Regarding claims 3, 12, Leyden discloses the part of the at least one connecting element is defined by the at least one arm (wall portion 62) (col. 6, lines 15-17).

Regarding claim 4, Leyden discloses one connecting element comprises a base 28 which is connected to the first support 28 and the at least one arm projects from the

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base and has a first leg 42 and a second leg 56 projecting transversely to the first leg and the portable article is captive between the second leg and the first support (fig. 10-fig. 11).

Regarding claims 5, 23, Leyden discloses the first support is integral with the connecting element (col. 6, lines 18-22).

Regarding claims 6, 24, Leyden discloses at least a part of the first support is formed as one piece with the connecting element (fig. 4, fig. 10-fig. 11).

Regarding claim 7, Leyden discloses a second support and a connecting system joined between the first and second supports (fig. 10-fig. 11).

Regarding claim 8, Leyden discloses a flexible cable/cord (cable 20) (fig. 4; col. 5, lines 35-50).

Regarding claim 9, Leyden discloses an alarm system producing a detectable signal as an incident of at least one of the flexible cable/cord being severed (col. 5, lines 35-47).

Regarding claim 10, Leyden discloses one connecting element has a rib formed therein defining the stepped configuration (fig. 11).

Regarding claim 11, Leyden discloses portion of the at least one connecting element has an "L" shape (col. 8, line 38).

Regarding claims 13, 25, Leyden discloses the connecting element and first support have facing surfaces between which the portable article is captive (fig. 11).

Regarding claim 14, Leyden discloses a second connecting element 32 that is separate from the one connecting element, the second connecting element 34

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comprising a second arm 64 that overlies a portion of the portable article and cooperates with the one connecting element to maintain the portable article in the secured state (fig. 10-fig. 11).

Regarding claim 15, Leyden discloses one connecting element is selectively securable to the first support in a plurality of different positions (fig. 10-fig.-fig. 11).

Regarding claim 16, Leyden discloses one connecting has an adjusting state and a fixed state relative to the first support, the at least one connecting element in the adjusting state maintained against separation from the first support and selectively repositionable relative to the first support (fig. 10-fig. 11).

Regarding claim 17, Leyden discloses the at least one connecting element comprises a base from which the at least one arm projects and the base is connected to the first support (fig.10-fig. 11).

Regarding claim 18, Leyden discloses a fastener extends into the first support and maintains the at least one connecting element on the first support (fig. 10; col. 6, lines 63-65).

Regarding claim 19, Leyden discloses the first support comprises a wall with oppositely facing front and rear surfaces, the fastener extends through the front surface so that a part of the fastener is exposed beyond the rear surface and a securing element is attached to the exposed part of the fastener to prevent separation of the at least one connecting element from the first support (fig. 10).

Regarding claim 20, Leyden discloses the exposed part of the fastener is threaded (col. 6, lines 63-65).

Regarding claim 21, Leyden discloses the wall has a plurality of discrete openings through which the fastener can be selectively extended (fig. 10-fig. 11).

Regarding claim 26, Leyden discloses the connecting element has an integral fastener thereon (col. 6, lines 52-65).

Regarding claim 27, Leyden discloses the faster comprises a threaded element (col. 6, lines 52-65).

Regarding claim 28, Leyden discloses the portion of the connecting element has a rib formed therein defining the stepped configuration (fig. 10-fig. 11).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rothbaum et al. (US 5,561,417) discloses security device for merchandise and the like.

Gerlach (US 5,020,192) discloses an adjustable tie down apparatus and method.

Israel et al. (US 4,746,909) discloses modular security system.

Wilkinson et al. (US 4,985,695) discloses a computer security device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
September 27, 2005.

  
JEFFERY HOF SASS  
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